

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 CURTIS A. MARTEN,

12 Plaintiff,

v.

13 HENRY RICHARDS, *et al.*

14 Defendants.

15 CASE NO. C09-5733FDB/JRC

16 ORDER GRANTING DEFENDANTS'
17 MOTION TO STAY DISCOVERY

18 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
19 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local
20 Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Before the court is defendant's motion
21 asking that discovery be stayed pending disposition of a motion for summary judgment, which
22 raises an affirmative defense of qualified immunity.

23 Qualified immunity is immunity from suit, not just immunity from liability, Harlow v.
24 Fitzgerald, 457 U.S. 800 (1982). One of the considerations noted by the Supreme Court in
25 discussing qualified immunity is the social cost to government and the public when government
26 resources are expended on discovery prior to the qualified immunity defense being decided.
 Harlow, 457 U.S. at 818. The motion to stay discovery is **GRANTED**.

The Clerk's Office is directed to remove Dkt. # 15 from the Court's calendar and send plaintiff a copy of this order.

DATED this 30th day of April, 2010.

J. K. Ward (matina)

J. Richard Creature
United States Magistrate Judge